S.B.CIVIL TRANSFER PETITION NO.12/2006

Anuradha Sharma
vs.
Naresh Kumar Sharma

DATE OF ORDER ::: 22.5.2006

**PRESENT**

**HON'BLE MR. PRAKASH TATIA, J.**

Mr. T Gupta, for the petitioner.

Mr. M Trivedi, for the respondent.

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Heard learned counsel for the parties.

The petitioner, wife of respondent, has moved this application for transfer of the Petition No.436/2005 filed by the respondent under Section 9 of the Hindu Marriage Act and which is pending in the Family Court No.2, Jaipur to Family Court, Udaipur on the grounds that because of serious dispute, a criminal case was lodged by the petitioner against the respondent at Udaipur wherein challan has been filed and the respondent is enlarged on bail in this case. Thereafter, the respondent filed the petition under Section 9 which is pending in Family Court No.2, Jaipur.

It is alleged by the petitioner that there are serious threats from the respondent and, therefore, the petitioner cannot go to Jaipur to conduct the case. The petitioner is residing at Udaipur which is about 400 kms. from Jaipur.

The petitioner further submitted that she is a young lady having a small child. The petitioner further submitted that nobody is in position to travel with her to conduct the case at Jaipur.

Notices were issued to the respondent. However, no written reply has been filed by the respondent.

Looking to the facts of the case, it will be appropriate to transfer the petition under Section 9 filed by the respondent.

In view of the above, this transfer petition is allowed, the Petition no.436/2005 (Naresh Kumar Sharma vs. Anuradha Sharma) filed by the respondent pending in the Court of Family Court No.2, Jaipur is hereby withdrawn and is transferred to the Family Court, Udaipur for deciding the same in accordance with law.

Both the parties are directed to remain present in the Family Court, Udaipur on 20.6.2006.

**(PRAKASH TATIA), J.**

S.Phophaliya